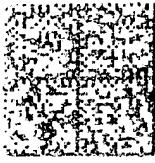


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APPLICATION NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,451	04/20/2001	David Corts	4232-4002	4838
7590		08/24/2009	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 Park Avenue New York, NY 10154-0053			CHAMPAGNE, DONALD	
			ART UNIT	PAPER NUMBER
			3688	
			MAIL DATE	DELIVERY MODE
			08/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/839,451	CORTS ET AL.	
	Examiner Donald L. Champagne	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 20 February 2009.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

The final rejection mailed on 20 February 2009 was returned to the Office as undeliverable. According to the attached article from Law.com, the atty. firm of record, Morgan & Finnegan, LLP, "dissolved in February" and filed for bankruptcy in March. The telephone numbers of record with the Office do not answer or clearly have been re-assigned to other subscribers, including those of the last atty., Sungho Hona.

Attach: PTO-892 and one NPL item

/Donald L. Champagne/

Primary Examiner, Art Unit 3688

571-272-6717

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination CORTS ET AL.	
		Examiner Donald L. Champagne	Art Unit 3688	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
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**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"Law.com - Morgan and Finnegan Files for Bankruptcy", downloaded 22 August 2009.
	V	
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\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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## Morgan & Finnegan Files for Bankruptcy

Nate Raymond

The American Lawyer

March 18, 2009

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Morgan & Finnegan, the New York IP boutique that dissolved in February after a raft of partner departures, filed for bankruptcy Tuesday.

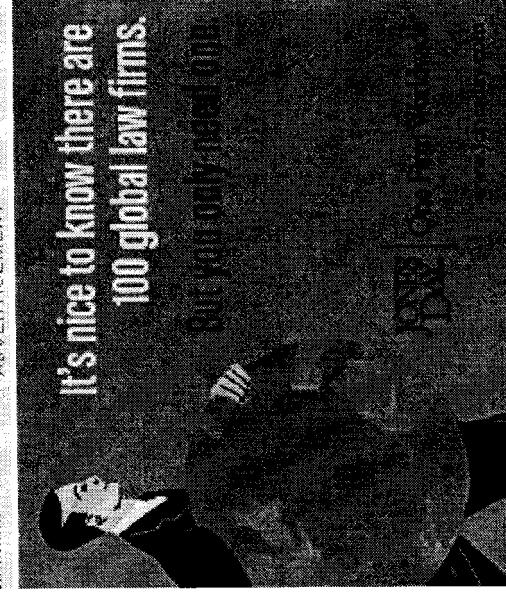
The Chapter 7 filing, first reported on the blog [Above the Law](#), came six days after a New York state judge placed the firm into receivership in response to a lawsuit by lender JPMorgan Chase. The boutique, whose revenue declined 38 percent last year, listed \$6.37 million in assets and \$10 million in liabilities.

A lawyer for Morgan & Finnegan, Isaac Nutovic of Nutovic & Associates in Manhattan, declined to comment. A call to senior partner John Sweeney went unanswered.

Revenue at Morgan & Finnegan fell dramatically last year, in part likely explained by partners leaving with clients for firms that included Cadwalader, Wickersham & Taft and Dickstein Shapiro. In 2007, Morgan & Finnegan grossed \$60.63 million, the filings say. Revenue dropped to \$36.99 million in 2008.

By January 2009, the firm had 17 partners left, according to the complaint filed in February by JPMorgan. Partners were in merger discussions with Locke Lord Bissell & Liddell by December 2008.

Locke Lord ultimately agreed in February to hire 30 lawyers, including 13 partners, with an expectation they could bill \$28 million in 2009, according



to leaked offer letters. Locke Lord took over Morgan & Finnegan's space at World Financial Center. JPMorgan is now suing for \$4.1 million from the firm because the landlord tapped a letter of credit, and the firm has allegedly not repaid the bank.

Morgan & Finnegan lists JPMorgan's claim as a little less at \$3.82 million. A spokesman for the bank declined comment.

Morgan's bankruptcy papers says the firm is owed money from two former partners because of draws that exceeded their capital accounts. The firm says it's owed a combined \$223,732 from Day Pitney partner Keith McWha and Cadwalader special counsel Tod Melgar. Melgar declined comment; McWha did not return a call for comment.

Multiple former partners are listed as unsecured creditors owed capital. Capital-related claims total \$3.9 million. Partners listing Locke Lord as their current address collectively are listed with \$1.64 million in unsecured claims, with Sweeney listed with \$269,268 in unreturned capital.

Cadwalader partner Christopher Hughes, who previously filed a lawsuit against the firm's ~~its~~ <sup>its</sup> capital back, is listed with \$275,000 in his capital account. The amount is listed as "disputed."

A lawyer for Hughes, Ronald Minkoff at Frankfurt Kurnit Klein & Selz, declined comment.

The filings say Morgan & Finnegan previously received debt consolidation or bankruptcy advice from Duane Morris bankruptcy partner Lawrence Kotler, whom it paid \$75,000 sometime in the last 12 months. Kotler says he is not advising on Morgan & Finnegan's current bankruptcy filing.

*This article first appeared on The Am Law Daily blog on AmericanLawyer.com.*

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